

REMARKS

This Amendment is responsive to the Final Action dated March 8, 2004. The claim amendments included herein are merely clarifying amendments and are not meant to change the intended scope of the claims. Thus, the amendments present the rejected claims in better form for consideration on appeal, and they should be entered in due course. Moreover, the amendments are manifest, requiring only a cursory review by the Examiner, thereby providing additional ground for their entry.

Claims 1-19 were pending in the application. In the Final Action, claims 1-19 were rejected. In this Amendment, claims 1 and 11 have been amended. Claims 1-19 thus remain for consideration.

Applicant submits that claims 1-19 are in condition for allowance and requests reconsideration and withdrawal of the rejections in light of the following remarks.

§102 and §103 Rejections

Claims 1-5, 8-14 and 17-19 were rejected under 35 U.S.C. §102(b) as being anticipated by Seth-Smith et al. (U.S. Pat. No. 4,829,569).

Claims 6, 7, 15 and 16 were rejected under 35 U.S.C. §103(a) as being unpatentable over Seth-Smith in view of Mueller (U.S. Pat. No. 5,602,917).

Applicant submits that the independent claims (claims 1 and 11) are patentable over Seth-Smith.

Applicant's invention as recited in the independent claims is directed toward a data transmission controlling method and a data transmission system. The claims specify that a

first communication channel is used for transmission of encrypted data and that a second communication channel is used for transmission of restrictive data for causing the encrypted data to be received solely by specific data receiving means. The claims further specify that “said second communication channel is not used to transmit said encrypted data.”

As pointed out by the Examiner in the “Response to Arguments” section of the Final Action, Seth-Smith’s encrypted data includes the restricted access information and it is this encrypted data that is transmitted “over a satellite, by a landline or both.” Accordingly, Seth-Smith does not disclose the transmission of unencrypted restricted access data over a second channel, and Applicant submits that claims 1 and 11 are patentable over Seth-Smith on at least this basis.

Claims 2-5 and 8-10 depend on claim 1. Since claim 1 is believed to be patentable over Seth-Smith, claims 2-5 and 8-10 are believed to be patentable over Seth-Smith on the basis of their dependency on claim 1.

Claims 12-15, 18 and 19 depend on claim 11. Since claim 11 is believed to be patentable over Seth-Smith, claims 12-15, 18 and 19 are believed to be patentable over Seth-Smith on the basis of their dependency on claim 11.

Further, Applicant respectfully traverses the §103 rejections of dependent claims 6, 7, 16 and 17.

Applicant submits that all of the claims now pending in the application are in condition for allowance, which action is earnestly solicited.

It is submitted that these claims, as originally presented, are patentably distinct over the prior art cited by the Examiner, and that these claims were in full compliance with the

requirements of 35 U.S.C. §112. Changes to these claims, as presented herein, are not made for the purpose of patentability within the meaning of 35 U.S.C. §§101, 102, 103 or 112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicant is entitled.

Statements appearing above with respect to the disclosures in the cited references represent the present opinions of the Applicant's undersigned attorney and, in the event that the Examiner disagrees with any such opinions, it is respectfully requested that the Examiner specifically indicate those portions of the respective reference providing the basis for a contrary view.

If any issues remain, or if the Examiner has any further suggestions, he/she is invited to call the undersigned at the telephone number provided below.

The Examiner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account No. 50-0320.

The Examiner's consideration of this matter is gratefully acknowledged.

Respectfully submitted,

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